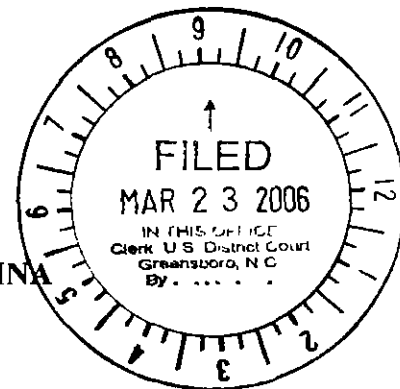


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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



Charles Gene Rogers,

Petitioner,

v

Don G Wood,

Respondent

1:06CV00269

**ORDER AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Petitioner, a prisoner of the State of North Carolina, has submitted a habeas petition on a form for petitions under 28 U S C § 2241 For the following reasons, the petition cannot be further processed

- 1 Petitioner is attacking his convictions in the Eastern District of North Carolina Therefore, he has filed the incorrect form and in the wrong district He states that he has already litigated section 2254 petitions in the Eastern District Therefore, he must receive permission from the Fourth Circuit before filing a second petition on the same convictions
- 2 Filing fee was not received or affidavit to proceed in forma pauperis was not submitted or signed by the petitioner

Because of these pleading failures, this particular petition should be filed and then dismissed, without prejudice to petitioner filing a new petition in the proper district

In forma pauperis status will be granted for the sole purpose of entering this order and recommendation

**IT IS THEREFORE ORDERED** that in forma pauperis status is granted for the sole purpose of entering this order

**IT IS RECOMMENDED** that this action be filed, but then dismissed sua sponte without prejudice to petitioner filing a new petition in the proper district

\_\_\_\_\_  
/s/ P. Trevor Sharp  
United States Magistrate Judge

Date March 23, 2006